

217/ #3

PATENT 12-22-03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 2171

Examiner:

In re application of:

Boehmke

Serial No.: 09/746,501

Filed: December 22, 2000

SYSTEM, METHOD AND APPARATUS FOR OBTAINING REAL-TIME INFORMATION

ASSOCIATED WITH A

TELECOMMUNICATION NETWORKETVED

DEC 1 9 2003

**Technology** Center 2100

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pittsburgh, Pennsylvania 15222

December 16, 2003

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Commissioner:

Applicant, in accordance with the duty of disclosure pursuant to 37 C.F.R. § 1.56, hereby advises the United States Patent and Trademark Office of the references listed on the accompanying Form PTO/SB/08A *Information Disclosure Statement by Applicant* (substitute for Form 1449A/PTO). A copy of each of the cited references is herewith enclosed.

Express Mail Number ER524418546US

Date of Deposit December 16, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1 10 on the date indicated above and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

PI-1092874

Applicant notes that although the cited references may be relevant to the examination of the above-referenced application, under 37 C.F.R. § 1.97(h), the filing of this *Information*Disclosure Statement by Applicant "shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b)."

Applicant further notes that the filing of this *Information Disclosure Statement by Applicant* is not an admission that the references cited herein constitute prior art under 35 U.S.C. §§ 102-103 with respect to the captioned application.

Pursuant to 37 C.F.R. § 1.97(b)(3), Applicant submits that no fee is necessary for consideration of this *Information Disclosure Statement by Applicant* because an Office Action on the merits has not yet been mailed. Nevertheless, the Commissioner is hereby authorized to charge any additionally required fees necessary for consideration of this *Information Disclosure* Statement by Applicant to Account No. 11-1110.

Respectfully submitted,

Roberto Capriott

Registration No. 46,599

KIRKPATRICK & LOCKHART LLP Henry W. Oliver Building 535 Smithfield Street Pittsburgh, Pennsylvania 15222-2312

Telephone: (412) 355-8956 Facsimile: (412) 355-6501 e-mail: rcapriotti@kl.com